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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )  
 )  
8 Plaintiff, ) Case No. CR94-48 TSZ  
 )  
9 v. ) **PROPOSED FINDINGS OF**  
 ) **FACT AND DETERMINATION**  
10 ERNESTO FLORES QUESADA, ) **AS TO ALLEGED**  
 ) **VIOLATIONS OF**  
11 Defendant. ) **SUPERVISED RELEASE**  
 )

12  
13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on August 3,  
15 2009. The defendant appeared pursuant to a summons issued in this case. The United States was  
16 represented by Mark Parrant, and defendant was represented by Ralph Hurvitz. Also present was  
17 U.S. Probation Officer Kathy Stringer. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on August 11, 1994 by the Honorable Thomas S. Zilly for Aiding  
20 and Abetting Possession of Cocaine with Intent to Distribute. He received 120 months of  
21 imprisonment and 5 years of supervised release. Defendant's term of supervised release began on  
22 October 8, 2002 after he was released to the Bureau of Immigration and Customs Enforcement

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PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE - 1

1 (BICE). He was subsequently deported to Mexico on October 29, 2002. Mr. Quesada's term of  
2 supervised release is scheduled to expire on October 7, 2007. Pursuant to U.S.C. § 3583(e)(3), the  
3 maximum term of incarceration imposable upon revocation is five years.

4 PRESENTLY ALLEGED VIOLATIONS AND  
5 DEFENDANT'S ADMISSION OF THE VIOLATION

6 In a petition dated September 9, 2007, Supervising U.S. Probation Officer Christopher S.  
7 Luscher alleged that defendant violated the following conditions of supervised release:

8 1. Entering the United States without permission of the BICE, on or about August 15,  
9 2007, in violation of the standard condition that he not commit another federal, state, or local  
10 crime.

11 2. Committing the crime of Trespass on Railroad Property, on or about August 15,  
12 2007, in violation of the standard condition that he not commit another federal, state, or local  
13 crime.

14 3. Committing the crime of False Identification to a Peace Officer, on or about August  
15 15, 2007, in violation of the standard condition that he not commit another federal, state, or local  
16 crime.

17 4. Committing the crime of Possession of a Hypodermic Syringe, on or about August  
18 15, 2007, in violation of the standard condition that he not commit another federal, state, or local  
19 crime.

20 Defendant agreed to proceed on allegation number 1 by way of government proffer. The  
21 proffered evidence established defendant violated allegation 1. Defendant had no questions  
22 regarding the proffered evidence and called no witnesses in defense of the allegation. The  
23 Government withdrew violations 2, 3, and 4. A disposition hearing was scheduled for August 21,

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE - 2

1 2009 at 10:00 am before District Judge Thomas S. Zilly.

2 RECOMMENDED FINDINGS AND CONCLUSIONS

3 Based upon the foregoing, I recommend the court find that defendant has violated the  
4 conditions of his supervised release as alleged above, and conduct a disposition hearing.

5 DATED this 3<sup>rd</sup> day of August, 2009.

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8 BRIAN A. TSUCHIDA  
United States Magistrate Judge